

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-8 have been amended. Applicant respectfully submits that the disclosure of the application supports the language of claims 1-8. For example, Applicant submits that at least Figures 1 and 2 support amended claim 1 and that at least Figures 22-27 support amended claim 6.

New claim 9 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-9 are now pending in this application.

Rejections under 35 U.S.C. § 102

Claims 1-4, 6, and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,848,410 to Hoffmann *et al.* (hereafter "Hoffmann"). This rejection is respectfully traversed.

Amended claim 1 recites an intake device of an internal combustion engine, comprising: a clean side duct connected to a clean side of an air cleaner; and a resonator including a resonating body which is vibrated by intake air pulsation in an intake system, a volume chamber directly installed to the clean side duct and connected through the resonating body to the intake system, and a volume chamber opening section through which an interior space of the volume chamber is communicated with an outside to the resonator, wherein the interior space of the volume chamber and an interior of the intake system are partitioned by the resonating body, wherein the resonator is so set that a sound pressure in a certain frequency range is released from the volume chamber opening section to the outside under vibration of the resonating body. Claims 2-4 depend from claim 1.

Hoffmann discloses a noise transmission device 10 that includes hollow transmission lines 12 connected to an intake tract 1, resonator chambers 23, outlet pipes 15, a joint header

16, and an outlet pipe 17 for all of the resonator chambers 23. See col. 3, lines 15-39, and Figures 2 and 3 of Hoffmann. However, Hoffmann also discloses that the device includes switching means 22 for activating and deactivating the resonator chambers 13 and that the switching means 22 have a flap 23 in each transmission line 12 to accomplish this. See col. 3, line 66, to col. 4, line 12, of Hoffmann.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131. Because the resonator chambers 23 are connected to the intake tract 1 via hollow transmission lines 12, the resonators of the device disclosed by Hoffmann are not directly installed to a clean side duct, as recited in claim 1. Therefore, Hoffmann does not anticipate claims 1-4 because Hoffmann does not disclose all of the features of claim 1. Applicant notes that in the design of Hoffmann the resonance frequency of each resonator is determined in part by the length of the transmission lines 12. Therefore, in order to obtain a desired resonance frequency, the length of the transmission lines must be modified. Such modifications can be complicated, especially with larger resonators, and reduce the freedom with which one can design intake systems that includes such resonators.

Amended claim 6 recites an intake device of an internal combustion engine, comprising: an intake air passage through which intake air is introduced into the internal combustion engine, and a resonance passage branched off from the intake air passage, wherein the resonance passage has one end opened to atmospheric air and the other end connected to the intake air passage to always allow intake sound to be transmitted from the intake air passage to the resonance passage, the resonance passage having a passage length set to add a sound pressure in a certain frequency range to air intake sound. Claim 7 depends from claim 6.

Because the device of Hoffmann includes switching means 22 with flaps for activating and deactivating the resonator chambers 13, Hoffmann does not disclose an intake device that includes, among other things, an intake air passage and a resonance passage that always allow intake sound to be transmitted from the intake air passage to the resonance passage, wherein the resonance passage has a passage length set to add a sound pressure in a

certain frequency range to air intake sound, as recited claim 6. Therefore, Hoffmann does not anticipate claims 6 and 7 because Hoffmann does not disclose all of the features of claim 6.

Reconsideration and withdrawal of this rejection is respectfully requested for at least the reasons discussed above.

Claims 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-082202 to Hirose *et al.* (hereafter “Hirose”). This rejection is respectfully traversed.

Hirose does not disclose an intake device that includes, among other things, an intake air passage and a resonance passage that always allow intake sound to be transmitted from the intake air passage to the resonance passage, wherein the resonance passage has a passage length set to add a sound pressure in a certain frequency range to air intake sound, as recited claim 6.

Hirose discloses an intake duct that includes a first passage 1, a second passage 2, and a valve 5 supported on the second passage 2. See abstract of Hirose. The valve 5 is adapted to be normally fixed to a locking position 6 provided on an inner wall of the second passage 2, such as when an engine is operating at a low speed, thus closing the second passage 2 and blocking the transmission of sound from the first passage 1 to the second passage 2. See abstract and Figures 1-2 of Hirose. Furthermore, the second passage 2 of Hirose does not have a passage length set to add a sound pressure in a certain frequency range to air intake sound, as recited claim 6.

Therefore, Hoffmann does not anticipate claims 6 and 8 because Hoffmann does not disclose all of the features of claim 6, which claim 8 depends from.

Reconsideration and withdrawal of this rejection is respectfully requested for at least the reasons discussed above.

Rejection under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffmann. This rejection is respectfully traversed. Claim 5 depends from claim 1. It would not have been obvious to modify the device of Hoffmann to provide the intake device of claim 5 because Hoffmann fails to disclose or suggest all of the features of claim 1, as discussed above. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim

New claim 9 has been added. Applicant respectfully submits that the prior art cited by the Office does not disclose or suggest all of the features of the intake device of claim 9.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By



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